

CALIFORNIA COASTAL COMMISSION

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Staff: AJP-LB
Staff Report: 2/8/02
Hearing Date: 4/9-12/02
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-096

APPLICANT: Ballona Wetlands Foundation & Laguna Del Rey, LLC

AGENT: Wayne Smith, PSOMAS

PROJECT LOCATION: Along the western end of the Playa del Rey sand dunes, between the south bank of Ballona Creek channel and the eastern terminus of 63rd Avenue, and 6204 Vista Del Mar, in Playa del Rey, City of Los Angeles.

PROJECT DESCRIPTION: Remove approximately 350 linear feet of chain link fence and install permanent 6-foot high black vinyl-coated chain link fence approximately 3-10 feet west of existing fence; realign and improve existing trail; remove non-native vegetation and revegetate with native plants; install two new gates; level dirt area at end of 63rd Avenue for temporary dumpster and one parking space for ongoing dune restoration work; pave an existing 2,200 square foot gravel area for parking use by the adjacent apartment residents; construction of a four-foot high wall separating the parking lot from the landscape area; and drainage improvements for the parking area and existing residential development.

LOCAL APPROVALS RECEIVED: Approval in Concept

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions regarding the submittal of landscaping and landscape monitoring plans, signage plans and a deed restrictions requiring continuing maintenance of structural best management practices installed for water quality purposes. As conditioned, the proposed development conforms with all applicable policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Playa Vista land Use Plan, City of Los Angeles
2. Coastal Development Permit No. 5-90-174(Maguire Thomas Partners-Playa Vista; 5-97-144(Maguire Thomas Partners)

STAFF RECOMMENDATION:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-01-096:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-01-096 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Landscaping Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant will submit, for the review and written approval of the Executive Director, a plan for landscaping that is compatible with habitat restoration within the Playa del Rey dunes restoration project. A qualified biologist or licensed landscape architect, with expertise in dune restoration, shall prepare the plan. The plan shall be prepared in consultation with the Commission's biologist, the California Department of Fish and Game, and with another recognized expert in California dune restoration, and shall be submitted to the Executive Director for review and approval. The plan shall include the following:

1. Vegetation planted on the site will consist of, to the greatest extent practical, native plants typically found in Southern California dunes. The seeds and cuttings employed shall be, to the greatest extent practical, from sources in and adjacent to the Playa del Rey dunes. If other Southern California sources are used, the locations of the seed /cutting sources and the approximate number of plants and/or amount of seeds/cuttings from each source shall be reported to the Executive Director.
2. No new plantings of non-native or invasive species will be employed on the site. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, January 20, 1992, those species listed by the California Exotic Plant Pest Council on any of their watch lists as published in 1999,

and those otherwise identified by the Department of Fish and Game or the United States Fish and Wildlife Service.

3. The site will be stabilized immediately with jute matting or other BMP's to minimize erosion.
4. No permanent irrigation system shall be allowed. Temporary above ground irrigation to allow the establishment of the plantings is allowed. Once all plantings have been established, the irrigation system shall be removed.

B. The plan shall include, at a minimum, the following components:

1. A map showing the types, size, and locations of all plant materials that will be on the site, the irrigation system, topography of the developed site, and all other landscape features;
2. A schedule for installation of plants and removal of the irrigation system;
3. An identification of seed sources and plant communities of the plants planned to be employed;

C. Five years from the date of issuance of Coastal Development Permit No. 5-01-096, the applicants shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscaping plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the conformance of the resultant landscaping with the requirements of this special condition.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

D. The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Signage Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a

signage plan showing the size, wording and location of signs. The signage shall be located in conspicuous locations along the trail and landscape area, informing the public of the pedestrian path, and include interpretive signs to identify plants or unique features of the area.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Water Quality Improvements

- A. By acceptance of this permit, the applicants acknowledge and agree to implement and maintain in proper working order the stormdrain filters and biofiltration device installed on the existing stormdrain system, for the life of the project, as proposed under Coastal Development Permit No. 5-01-096, and shown in Exhibit No. 4 of this report.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, (1) the applicants, Ballona Wetland Foundation and Laguna Del Rey, LLC, shall secure from the property owner, Playa Capital, for parcel A, as shown on Exhibit No. 3, evidence that Playa Capital has executed and recorded a deed restriction in a form and content acceptable to the Executive Director, permitting applicants access, in perpetuity, to Parcel A, as shown in Exhibit No. 3, in order to allow them to satisfy the requirements listed in the above terms of this condition. The deed restriction shall include a legal description of the entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit; (2) the applicant, Laguna Del Rey, LLC, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, governing parcel B, as shown on Exhibit No.3, incorporating all of the above terms of paragraph A of this condition. The deed restriction shall include a legal description of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to remove approximately 350 linear feet of chain link fence and install permanent 6-foot high black vinyl-coated chain link fence approximately 3-10 feet west of existing fence; realign and improve existing trail; remove non-native vegetation (with the exception of existing mature palm trees) and revegetate with native plants; install two new gates; level dirt area at end of 63rd Avenue for temporary dumpster and one parking space for ongoing dune restoration work; pave an existing 2,200 square foot gravel area for parking for the adjacent apartment residents; construction of a four-foot high wall separating the parking lot from the landscape area; and drainage improvements for the parking area and existing residential development.

The proposed project is located in the northwest corner of the property owned by Playa Capital (see Exhibit No. 2) and on adjacent property owned by Laguna del Rey. Playa Capital has granted Ballona Wetlands Foundation and Laguna Del Rey, LLC, permission to apply for a Coastal Development Permit for the proposed development completely on their property and for that portion of the project that is partially on their property, and to perform the work on their property. The proposed project is located adjacent to and west of an ongoing dune restoration project that was approved by the Commission in 1990 and 1997 [5-90-174 (Maguire Thomas Partners-Playa Vista) and 5-97-144(Maguire Thomas Partners)].

A 350 foot portion of the temporary fence, located approximately 50 feet east of the Playa Capital property line in the northwest portion of the property, will be removed and a new permanent, 6-foot high black vinyl-coated chain link fence will be relocated approximately three to 10 feet further to the west (approximately 44 feet east of Playa Capital's western property line). Adjacent to the realigned fence, the project will include a pedestrian sand trail to allow public access between the terminus of 63rd Avenue on the south to the Ballona Creek channel southern levee to the north.

The project site is located on separate properties owned by Playa Capital and Laguna Del Rey. All proposed improvements, except for the proposed drainage filters, are located on Playa Capital property. In addition, the existing row of parking spaces, located east of the apartment complex, encroach onto Playa Capital property. The property line for Playa Capital and Laguna Del Rey is located immediately behind, or west of the row of parking spaces (see Exhibit No. 3). The owners of the Del Rey Apartments, Laguna Del Rey, LLC, and Playa Capital have entered into an agreement to allow Del Rey Apartments to continue the use and maintenance of the property. Playa Capital has also allowed Laguna Del Rey, LLC, and Ballona Wetlands Foundation to apply for a Coastal Development Permit for the proposed development.

B. Public Comments

Commission staff received numerous letters in support of the project and one letter objecting to the project. The letters are attached as Exhibit No. 6. In addition, in response

to the objection letter, the applicant has provide a number of letters from biological experts and representatives of the property owner in responding to the issues raised by the opponent of the project (See Exhibit No. 7).

C. The Ballona Wetlands Foundation

The Ballona Wetlands Foundation, who is listed as one of the co-applicants of this project, was created by court action to preserve, protect, and restore the endangered tidal wetland ecosystem of the Ballona Wetlands. The Foundation was first formed in a litigation settlement over the future of the Ballona wetlands. In that lawsuit, the landowner agreed to set aside 340 acres of wetland and upland habitat, including the Playa del Rey sand dunes, for restoration and pay for that restoration. As part of that lawsuit, the Ballona Wetlands Foundation was created to oversee the restoration of the Ballona Wetlands and manage the wetlands after restoration is complete. The Foundation is the only organization legally mandated to care for this degraded ecosystem. The Ballona Wetlands Foundation Board is comprised of individuals appointed by the State of California, the City of Los Angeles, the landowner, and the Friends of Ballona Wetlands.

Along with implementing and managing a comprehensive wetland restoration, the Foundation oversees educational programs and activities focused on enhancing the public's appreciation and enjoyment of this Southern California coastal treasure.

D. Dune Restoration Efforts

In May of 1990, the Commission approved Coastal Development Permit 5-90-172 for an 18-month non-native plant removal and coastal dune restoration plan. The project was located in the Ballona Creek and Centinela Creek drainages, which are located south of Ballona Channel, west of Lincoln Boulevard, and east of Vista del Mar.

The first six month phase of the project included: the removal and subsequent repair of existing, permanent fencing adjacent to Ballona Channel; the installation of a 7,000 linear foot temporary chain link fence around the southern, eastern, and western periphery of the project area located north of Culver Boulevard, south of Ballona Channel, and east of Vista del Mar; the installation of a temporary buried irrigation line running off an existing water utility; the establishment of a temporary native plant nursery; the removal of non-native species; and the removal of approximately 40 yards of compacted foreign soil from the dune area and the recontouring of the affected dune area with native sand.

The second and third six month phases were similar to the first phase as the phases also involved: hand clearance of non-native vegetation from across the entire site above the 2 foot mean sea level contour in degraded dune and wetland areas; the augmentation or reintroduction of native seeds and plants at the dune area; and the implementation of a habitat monitoring program.

The Coastal Development Permit was conditioned to require a monitoring program; removal of the temporary fence after 18 months; application to the Department of Fish and Game for a Streambed Alteration Permit; restriction in the use of "footprint" mechanical equipment; and a condition placing the applicant on notice that the issuance of the permit does not constitute a waiver of any public rights which may have existed on the property.

In July 1997, the Commission approved a second permit for the installation of a temporary (3 years) 6 foot high, 540 foot long chain link fence adjacent to the ongoing native dunes habitat restoration area and a three year extension for the restoration project [5-97-144(Maguire Thomas Partners)]. To date, the restoration project is still ongoing. According to the applicant, most of the non-native plant removal is completed. Since 1990, the restoration effort has averaged the removal of approximately 2,700 cubic yards of non-native grasses and weeds, pampas grass, myoporum, acacia trees, and ice plant, per year. In addition, the restoration project has had significant success in replanting native plants that have been propagated and grown at the nursery.

As stated, the Coastal Development Permit 5-97-144(Maguire Thomas Partners) allowed the restoration effort to continue for three years. At the end of the restoration effort the applicant was to provide to the Commission a restoration monitoring plan and monitor the success of the restoration program. The purpose of the time limit was to trigger the preparation and submittal of the monitoring plan at the end of the restoration, which included removal of invasive plants and revegetation. At this time, however, restoration has not been completed and a monitoring plan has not been prepared. The applicant, or entity that has current legal interest in the property and the restoration project, will be required to submit a new permit application to allow the continued restoration work under a separate application.

The proposed project does not involve the restoration area. However, the removal and resiting of the fence will provide additional area that will be available for potential later incorporation into the restoration project. To incorporate the area into the restoration project a separate coastal development permit application will be required.

E. Environmentally Sensitive Resources

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(a) of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

The Playa del Rey sand dunes and adjacent wetlands are considered environmentally sensitive habitat areas. Playa del Rey sand dunes, along with the main El Segundo Dunes (also known as the Airport Dunes) located further to the south, are remnants of a larger dune habitat area that once covered approximately 4.5 square miles of coastline, between Westchester south to the base of Palos Verdes peninsula and from the Pacific Ocean inland for approximately one-half mile (*El Segundo Blue Butterfly Draft Recovery Plan*, September 1997).

According to the 1997 report prepared by Commission staff for Coastal Development Permit 5-97-144, less than 5% of the historic native species densities remain at Playa del Rey sand dune system, while less than 1% of the historic sand dune associated plant species cover remains.

The proposed project is located along the western edge of the approximately 10-acre remnant of the Playa del Rey sand dunes. The dunes presently occupy the western edge of the Playa Capital owned property, and is bordered to the south by the commercial area along Culver Boulevard, to the north by Ballona Channel, to the east by the Ballona Wetlands, and to the west by residential development within the Vista del Mar community.

A portion of the project site, which measures approximately 50 feet wide by 350 feet long, is located immediately outside of the dune restoration area. Pre-existing development occupies a portion of the site including a cement parking area, a graveled parking area, and ornamental landscaping (palm trees and other non-native small shrubs). The cement covered parking area is located along the northwestern portion of the site and covers an area measuring approximately 20 feet wide by 215 feet long. Between this cement area and 63rd Avenue, there is an approximately 20 foot wide by 100 foot long graveled area. These improvements have existed prior to the Coastal Act.

The majority of the project site is located on property owned by Playa Capital. The existing parking and landscaping improvements were installed, and are currently used, by the adjacent apartment complex, which is owned by Laguna Del Rey, LLC (co-applicants of this permit application). The owners of the Del Rey Apartments and Playa Capital have recently entered into an agreement to allow Del Rey Apartments to continue the use and maintenance of the property.

The proposed project will provide access along the western periphery of the dunes restoration area, within the Playa Capital property, and restrict uncontrolled foot traffic, domesticated animal intrusions, and off-road vehicle disturbances into the restoration area, to help ensure successful restoration of the dunes. The proposed trail will use the existing sandy trail, which was created over the years by continued use of the area. The

trail will not be improved except for the removal of non-native vegetation and revegetating the area with native dune vegetation. The landscaping will help prevent future encroachment of exotic species into the newly restored native dune habitat. Directional and informational signs will be installed to clearly identify the trail and educate visitors with regards to the resources of the area. The applicants will also provide interpretive signs for public educational purposes. The applicants have not provided a signage plan, therefore, as a special condition, the applicant shall provide a plan showing the wording, size and location of the signs.

In addition to the fence, two new gates will be added as part of the project to provide future public access to the wetlands and dunes viewing area located along the southern levee of the Ballona Creek, and provide access for restoration workers. The first gate will be installed along the existing fence that runs along Ballona Creek and the northern property line, approximately 275 feet east of the westerly property line of the Playa Capital property. The fence will provide for future access for observation and guided tours from Playa Capital property site to and along the southern cement/asphalt embankment of the Ballona Creek channel.

The second gate will be installed along the southern portion of the proposed permanent fence at the public trail entrance located at the terminus of 63rd Avenue. This gate will provide convenient access to the dunes area for restoration related activities. Currently, access to the restoration site is by foot from Culver Boulevard, which is over a quarter mile to the south.

The applicant is also proposing to smooth out the surface of a 300 square foot area at the terminus of 63rd Avenue for the temporary placement of a dumpster and parking space for the dune restoration. The area is currently an open area between the existing fence and residential development and the end of 63rd Avenue. The area is currently level and overgrown with ruderal grasses. The applicant will smooth out the area and surface the area with crushed granite.

As proposed, the project will not adversely impact the ESHA or the restoration project. Prior to the Coastal Act, the project site has been impacted by residents and the general public. Because of this use, the site has been degraded and the site does not currently support native habitat. The applicant is proposing to remove all exotic plants and re-landscape this area with native plants so the site will function as a buffer between the residential development and dunes. All existing exotics will be removed, except for the palm trees, which consist of Mexican fan palms, and Canary Island palms. The palms are non-native and potentially invasive plants.

Aerial photographs indicate that the trees were there in 1978 and according to the applicant, the palms have existed since 1971. The applicant has submitted letters from people that were residents in the area in 1971, which state that the palm trees were planted in 1971. One of the letters from a Mr. Randy Krauch, explicitly states that he personally cared for the trees in 1971 after they were obtained from a nursery in Malibu, after the trees sustained fire damage during the Malibu fires of that year (see Exhibit No.

8). Thus, all of the evidence reviewed as of the drafting of this finding indicates that the trees are pre-coastal.

The applicants, after consultation with their restoration consultants, concluded that, since the palms have existed there for a long time and have not spread into the dunes or wetland area since their planting, they do not pose a significant threat to the restoration efforts within the dunes area. Consequently, the applicants propose to leave the palms in the landscape buffer area.

At this time, the applicant has not developed a plant palette for the buffer area to be re-landscaped. However, the applicant proposes to use all native dune plants that have been propagated and grown at the nursery established under coastal development permit 5-90-174(Maguire Thomas Partners-Playa Vista) and are consistent with the restoration plant list approved for the restoration of the dunes. To ensure that landscaping will be consistent with the dune habitat restoration efforts and will not adversely impact the habitat values of the dunes and wetlands, special condition 1 requires that the applicants shall provide a landscape plan, prepared by a licensed landscape architect or biologist, with expertise in southern California dune restoration, in consultation with the Commission's staff biologist, the Department of Fish and Game, and a recognized expert in California dune restoration. Because the applicant is proposing to landscape adjacent to an ESHA and restoration area, the landscaping should be monitored to ensure that the planting becomes established and conforms to the standards established in the landscaping conditions of this permit. Therefore, the applicant shall provide a monitoring report to the Commission five years from the issuance of this permit.

In creating this landscape buffer area the applicant is proposing to remove the temporary fence, and install a new permanent fence further to the west or closer to the residential development. The new fence will be sited 3 to 10 feet further west and approximately 44 feet east of the Playa Capital western property line. According to the applicant, the re-siting of the fence will provide additional area that can be restored as part of the ongoing restoration effort (The applicant will be required to apply for a separate permit to include this additional area in the adjacent restoration project). The Commission, in evaluating the temporary fence in coastal development permit 5-97-144 found that the installation of the temporary fence around the periphery of the property would help to guarantee against trampling of native vegetation by domestic and feral animals and disturbances to native animal species both of which could exacerbate habitat degradation and frustrate progress in the proposed restoration effort. The location of the temporary fence is located outside of any biologically sensitive areas.

Because of the dune habitat's sensitivity to disruptions, and proximity to a densely populated residential community, the potential for animal and human impacts to the habitat value continues to be great. Therefore, the fencing has been determined by the applicant to be necessary to continue to limit animal and human intrusions. Although the re-sited fence will continue to prevent animal and human disruption into the habitat, the buffer area will provide passive access along the western part of the restoration area. As proposed, public access will be allowed on the Playa Capital property and will not interfere

with the adjacent residential development. Furthermore, once the dunes have been fully restored the Ballona Wetlands Foundation and the property owner, Playa Capital, will open the dunes area and provide organized tours through the area.

A potential impact to the buffer area and adjacent dune habitat caused by the proposed development, could be from additional light intrusions into the dune and wetland area from additional lighting for the parking area and from vehicles. Such additional lighting could adversely impact various insects and animals found in the dunes and wetland areas. However, the proposed project will not include additional lighting and will rely on existing lighting. Furthermore, additional lighting from vehicles in the proposed parking improvement area will not be significant. The proposed improved parking area will provide an area for the parking of approximately 15 additional vehicles. This amount of light and its temporary nature will not significantly increase illumination of the area. Moreover, as part of the project, the applicant is proposing to construct a low four-foot high block wall that will physically separate the proposed and existing parking area, along the western periphery of the site, from the landscape buffer area and dunes area. The wall will block most vehicle light from the proposed parking area, as well as the existing parking area, and will serve as a barrier between the residential development and proposed landscape area. As proposed, the project will improve the current situation by reducing the amount of vehicle lights shining into the area.

The Commission, therefore, finds that only as conditioned to require appropriate landscaping will the proposed project be consistent with Section 30231 and 30240 of the Coastal Act.

F. Control of Polluted Runoff

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Playa del Rey sand dunes and adjacent wetlands are considered environmentally sensitive habitat areas. Playa del Rey sand dunes, along with the main El Segundo Dunes (also known as the Airport Dunes) located further to the south, are remnants of a larger dune habitat area that once covered approximately 4.5 square miles of coastline, between Westchester south to the base of Palos Verdes peninsula and from the Pacific Ocean inland for approximately one-half mile (*El Segundo Blue Butterfly Draft Recovery Plan*, September 1997). Uncontrolled and unfiltered urban run-off into the dunes and wetlands can adversely impact the habitat.

Currently, surface runoff for the entire parking area, including the semi-subterranean parking and the improved parking along the northeastern property line (parking encroaches approximately 50 feet onto the adjacent Playa Capital property) drains into the subsurface drainage system, via a series of stormdrains. The runoff is collected and directed into a stormdrain that outlets into the Ballona Wetlands area, approximately 50 feet east of the Playa Capital/Laguna del Rey property line.

Since these apartments and stormdrain system were built in 1965, this development has directed unmitigated parking lot and other hardscape run-off into the wetlands area. The owners of the apartments, and co-applicants of this permit application, are proposing to implement an urban runoff management plan to not only collect and treat the runoff from the proposed 15 car parking area, but also treat the runoff collected from the existing development.

For all six existing stormdrains for the apartment complex that drain into the wetlands area, located along the northern and eastern portion of the property (see Exhibit No. 4), the applicants will install and maintain catch basin/drain filter inserts and install a bio-filtration basin near the end of the drainline. The program will include routine inspections and cleaning by a professional stormdrain maintenance company. In addition, the proposed parking lot area, which is currently a gravel lot, will be improved with a porous pavement to continue to allow water infiltration and eliminate siltation from the site.

A small 3-foot high block wall will be constructed between the parking area and the landscape area. The wall will ensure that runoff from the parking area does not flow into the dunes area and sediment from the landscape buffer area is not eroded from the site and carried into the drainage system.

The proposed water quality program will not only ensure that the runoff from the proposed hardscape from the proposed parking lot is adequately treated, but the program will also go beyond the required treatment of the runoff from the proposed development and treat runoff from the existing residential development. The proposed BMP's have been designed through consultations with water quality specialists using Federal, State, and local standards. The Commission's water quality unit has reviewed the proposed plan,

along with the maintenance program, and has determined that the program is consistent with the Commission's water quality requirements.

However, the parking improvements, fence, landscaping and installation of the biofiltration device will occur on property owned by Playa Capital (Parcel A, as shown on Exhibit No. 3). The installation of the stormdrain filters, which are necessary to mitigate runoff from the proposed parking lot, will occur on Laguna Del Rey property (Parcel B, as shown on Exhibit No.3). According to the applicants, all improvements, including the landscaping and the maintenance of the drainage improvements, will be conducted by the owners of Del Rey apartments. Special condition 3 requires that the stormdrain filters and biofiltration device are implemented and maintained in proper working order for the life of the project. To ensure that these drainage improvements are operated and maintained for the life of the proposed improvements, to mitigate the water quality impacts from the proposed project, a deed restriction on both properties is necessary. Since the development involves two applicants and two separate properties, and neither of the applicants have legal interest over property (Parcel A) owned by Playa Capital, special condition 3 requires the applicants to provide evidence that the property owner, Playa Capital, has executed and recorded a deed restriction permitting the applicants access to the property (Parcel A) in order to operate and maintain the drainage improvements for the life of the proposed development on Parcel A, as shown on Exhibit No. 3. Special condition 3 also requires the owners of the Del Rey Apartments, Laguna Del Rey property, to execute and record a deed restriction on their property, Parcel B, as shown on Exhibit No. 3, to ensure that the drainage improvements on their property are operated and maintained for the life of the proposed development. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230 and 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

The proposed project is located within the City of Los Angeles' planning areas of Playa Del Rey and Playa Vista. The City of Los Angeles does not have a certified Local Coastal Program for the Playa del Rey area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. The City has not planned the submittal of a revised LCP.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa Vista segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains policies to guide the types, locations and intensity of future development in the Playa Vista coastal zone. Among these policies are those specified in the preceding section regarding habitat resources. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.